

## Chapter 10

### **EMERGENCY SERVICES\***

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\*Cross references—Businesses, ch. 8; traffic and vehicles, ch. 26.

**ARTICLE I. IN GENERAL**

**Secs. 10-1—10-30. Reserved.**

**ARTICLE II. 911 TELEPHONE SERVICE**

**Sec. 10-31. Monthly charge.**

There is hereby imposed a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the county. The schedule of such charges is on file and available in the county offices.  
(Ord. of 9-16-96(1), § 1)

**Secs. 10-32—10-60. Reserved.**

**ARTICLE III. EMERGENCY MEDICAL SERVICES\*****DIVISION 1. GENERALLY**

**Sec. 10-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambulance* means any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways in this state of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

**\*State law references**—Emergency medical services, G.S. 143-507 et seq.; speed limit as to ambulances, G.S. 20-145; yielding right-of-way to ambulances, G.S. 20-156; approach of ambulances, G.S. 20-157; ambulance service in fire protection districts; G.S. 153A-309; authority of county to franchise ambulance services, G.S. 153A-250; making false ambulance request, G.S. 14-286.1; regulation of ambulance services, G.S. 131E-155 et seq.

*Ambulance service* means a public or privately owned enterprise that is engaged in the transportation of patients of emergency and nonemergency status to medical facilities.

*Approved* means approved by the state medical care commission pursuant to the latter's rules and regulations promulgated under G.S. 143B-165.

*Backup ambulance service* means the system of personnel and equipment meeting the same criteria as ambulance service, but not normally dispatched at first call response.

*Committee* means the county ambulance advisory committee.

*County* means the county board of commissioners, or a designated representative.

*Dispatcher* means a person who is available at all times to receive requests for emergency services, to dispatch emergency services and to advise the Sanford police, county sheriff and emergency medical facilities of any existing or threatened emergencies.

*Emergency (emergency transportation service)* means the operation of an ambulance in order to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

*Emergency medical technician (EMT)* means an individual who has completed the minimum 169-hour program for emergency medical technician certification, and is so certified by the state.

*Emergency medical technician and intermediate and paramedic* are the individuals responsible for the operation of an ambulance and rendering assistance to the emergency medical technician during the transportation of a patient.

*First responder* means the first dispatched medical or rescue aid to arrive at the scene and provide emergency medical assistance to stabilize the patient while waiting for further medical aid and/or transport.

*Franchise* means a permit issued by the county to a person for the operation of an ambulance service.

*Franchisee* means any person having been issued a franchise by the county for the operation of an ambulance service.

*License* means any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

*Nonemergency transportation services* means the operation of an ambulance for any purpose other than an emergency.

*Operator* means a person in actual physical control of an ambulance which is in motion or which has the engine running.

*Owner* means any person or entity who owns and operates an ambulance service.

*Patient* means an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

*Person* means any individual, firm, partnership, association, corporation or organization of any kind, including any government agency other than the United States.

*Rescue* means situations where the victim cannot escape an area through the normal exit or under his own power.

(Ord. of 7-6-82, § 1)

**Cross reference**—Definitions generally, § 1-2.

**Editor's note**—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

#### **Sec. 10-62. Penalties for violation of article.**

(a) It shall be a misdemeanor for any person to obtain or receive ambulance service without intending at the time of obtaining or receiving such services to pay, if financially able, the necessary charges. A determination that the recipient of such services has failed to pay for the services rendered for a period of 90 days after a request for payment, and that the recipient is financially able to do so, shall raise a presumption that the recipient of the services did not intend to pay for the services at the time they were obtained or received.

(b) Violations of this article, or the terms of any franchise granted under this article, shall be a misdemeanor as provided by G.S. 14-4. Each such violation also shall subject the offender to a civil

penalty in the amount of \$100.00 for each separate breach of the franchise or violation of this article. This civil penalty must be paid within ten days after the hearing on the citation has been held as provided in section 10-94(b). If not so paid, such penalty may be recovered by the county as provided by G.S. 153A-123(c). If the civil penalty is not paid within the ten days, as provided for in this subsection, the county may suspend or revoke the franchise. (Ord. of 7-6-82, §§ 13.1, 13.2)

#### **Sec. 10-63. Inspections to ensure compliance.**

The county may inspect a franchisee's records, premises and equipment at any time in order to ensure compliance with this article and any franchise granted under this article. (Ord. of 7-6-82, § 16.1)

#### **Sec. 10-64. Territorial jurisdiction.**

The provisions of this article shall apply to all unincorporated areas within the geographic confines of the county, and to such incorporated areas as may, by resolution, permit this article to be applicable within such incorporated areas. (Ord. of 7-6-82, § 15.1)

#### **Sec. 10-65. Amendment or expansion of article.**

The board of commissioners may, through appropriate actions, amend or expand this article to include other emergency departments or agencies as deemed necessary. (Ord. of 7-6-82, § 17.1)

#### **Sec. 10-66. Enforcement of article; enforcing agency; duties.**

The county ambulance advisory committee shall be the enforcing agency for the regulations contained in this article. Such office will:

- (1) Receive all franchise proposals from potential providers.
- (2) Study each proposal for conformance to this article.
- (3) With the approval of the committee, recommend to the board of commissioners the award of the franchise to the applicants submitting the best proposal.

- (4) Inspect the premises, vehicles, equipment and personnel of the franchise to ensure compliance to this article and perform any other inspections that may be required.
- (5) With the approval of the committee, recommend the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article. Recommend the imposition of misdemeanor or civil penalties as provided therein.
- (6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (7) Receive monthly reports from ambulance services and consolidate the reports into a quarterly summary for review by the committee and the county.
- (8) Receive complaints from the public, other enforcing agencies and ambulance services regarding franchise infractions; review the complaint with the committee; and obtain corrective action with the approval of the committee.
- (9) With the approval of the committee, recommend improvements to the county which will ensure better medical transportation.
- (10) Maintain all records required by this article and other applicable county regulations.
- (11) Perform such of the above functions as may be requested by any municipality within the county.

(Ord. of 7-6-82, § 14.1)

**Secs. 10-67—10-90. Reserved.**

## DIVISION 2. AMBULANCE FRANCHISE

### **Sec. 10-91. Permits and certificates required; exemptions.**

(a) No person either as owner, agent or otherwise shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for

each ambulance used in such business or service issued by the office of emergency medical services of the state department of human resources and has been granted a franchise for the operation of such business or service by the county pursuant to this division.

(b) No person shall drive, attend or permit a vehicle to be operated for ambulance purposes within the county unless he holds a currently valid certificate as an ambulance attendant or emergency medical technician issued by the state, except under emergency circumstances.

(c) No franchise shall be required for:

- (1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe or emergency with which the services franchised by the county are insufficient or unable to cope;
  - (2) Any entity operating from a location or headquarters outside the county in order to transport patients who are picked up beyond the limits of the county, but no such entity shall be used to pick up patients within the county for transporting to locations within the county or other locations unless it is rendering assistance as referred to in subsection (c)(1) of this section;
  - (3) Law enforcement personnel;
  - (4) Ambulance services operating or contracting under the auspices of the Veterans' Administration; and
  - (5) An ambulance service operated by the county.
- (Ord. of 7-6-82, §§ 2.1—2.3)

### **Sec. 10-92. Application.**

Application for a franchise to operate ambulances in the county shall be made upon such forms as may be prepared or prescribed by the county and shall contain:

- (1) The name and address of the applicant and of the owner of the ambulance;
- (2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name;

- (3) A resume of the training and experience of the applicant in the transportation and care of patients;
- (4) A description and copy of state certification for each ambulance owned and operated by the applicant;
- (5) The location and description of the places from which it is intended to operate;
- (6) Audited financial statement of the applicant as the same pertains to the operations in the county; such financial statement shall be in such form and in such detail as may be required by the county;
- (7) A description of the applicant's capability to provide 24-hour coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district; and
- (8) Any information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance service in the county in accordance with the requirements of state laws and the provisions of this division.

(Ord. of 7-6-82, § 3.1)

#### **Sec. 10-93. Granting.**

(a) *Districting.* Prior to accepting applications from applicants for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. Such districts will be established on criteria that includes geographic size, road access, the location of existing medical transportation services, population and response time. The board of county commissioners shall have the authority to redistrict or rearrange existing districts at any time at their discretion.

(b) *Emergency and nonemergency transportation service.* An applicant may apply for a franchise to operate both emergency transportation service and nonemergency transportation service.

(c) *Hearing and investigation of applicant.* Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant. Within 30 days after hearing, the county

shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.

(d) *Conditions for granting.* A franchise may be granted if the county finds that:

- (1) The public convenience and necessity require the proposed ambulance service.
- (2) Each ambulance of the applicant has required equipment, and the premises designated in the application have been certified by the county and state.
- (3) Only duly licensed ambulance attendants and emergency medical technicians are employed in such capacities.

(Ord. of 7-6-82, §§ 4.1—4.4)

#### **Sec. 10-94. Term; civil penalty for violation; suspension, revocation or termination.**

(a) The county may issue a franchise under this article to an owner of an ambulance service, to be valid for a term to be determined by the county, provided that either party, at its option, may terminate the franchise upon 60 days' prior written notice to the other party. After a notice of service termination is given, the ambulance service shall reapply for a franchise, if continued service is desired.

(b) If any franchisee shall violate or fail to comply with any provisions of this article, or a franchise issued under this article, the franchisee shall be cited by the county for such violation or failure to comply. The county, after a hearing pursuant to this citation, may impose a civil penalty of \$100.00 for each separate breach of the franchise, as provided in section 10-62 or may suspend or revoke the franchise. If upon such hearing, the county shall find that the franchisee has corrected any deficiencies and has brought his operation into compliance with the provisions of this article, the franchisee shall not be suspended or revoked, but a civil penalty as provided in section 10-62 may be imposed.

(c) Upon suspension, revocation or termination of a franchise granted under this article, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such person shall cease to drive an ambulance or provide

medical care in conjunction with an ambulance service, or attend an ambulance. No person shall employ or permit such individual to drive an ambulance or provide medical care in conjunction with an ambulance service.

(Ord. of 7-6-82, §§ 5.1—5.3)

#### **Sec. 10-95. Standards generally.**

(a) Each franchised ambulance service shall comply at all times with the requirements of this article, the franchise granted under this article, and all applicable state and local laws relating to health, sanitation, safety, equipment and ambulance design, and all other laws and ordinances.

(b) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of the franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition, occurring without prior approval of the county, shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.

(c) Any change of ownership of a franchised ambulance service without the approval of the county shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this article as upon original franchising.

(d) No franchise may be sold, assigned, mortgaged or otherwise transferred without the approval of the county and a finding of conformance with all requirements of this article as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application, and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, the county or their designated representatives.

(e) No official entry made upon a franchise may be defaced, removed or obliterated.  
(Ord. of 7-6-82, §§ 6.1—6.5)

#### **Sec. 10-96. Standards for drivers and attendants.**

Standards for drivers and attendants, as developed by the state medical care commission as requirements for certification of ambulance attendants and emergency medical technicians, pursuant to G.S. 131E-155 et seq. and G.S. 143-507 et seq., and shall be applied and such standards are incorporated in this section by reference.

(Ord. of 7-6-82, § 7.1)

**Editor's note**—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

#### **Sec. 10-97. Standards for vehicles and equipment.**

Vehicle and equipment standards as developed by the state medical care commission, pursuant to G.S. 143-507 et seq., and shall be applied and such standards are incorporated in this section by reference.

(Ord. of 7-6-82, § 8.1)

#### **Sec. 10-98. Standards for communication.**

(a) Each ambulance must be equipped with a two-way VHF radio, licensed by the Federal Communications Commission, which must be in operative condition at all times. Two-way radio system and frequencies, if any required by the office of emergency medical services.

(b) Each ambulance service shall provide the county a copy of the Federal Communications Commission license authorizing the use of the communication equipment owned and operated by that service.

(c) Each base of operations must have at least one telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the county.

(Ord. of 7-6-82, §§ 9.1—9.3)

**Editor's note**—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

#### **Sec. 10-99. Insurance.**

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in

the county unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages as follows:

- (1) In the sum of \$300,000.00 insurance and/or bond for injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent; and
- (2) In the sum of \$50,000.00 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the state or as approved by the county.

(Ord. of 7-6-82, § 10.1)

#### **Sec. 10-100. Recordkeeping.**

Each franchisee shall maintain the following records:

- (1) *Record of dispatch.* The record of dispatch shall show the time the call was received, the time the ambulance was dispatched, the time the ambulance arrived on the scene, the time the ambulance arrived at the destination, and the time the ambulance was in service.
- (2) *Trip record.* The trip record shall state all information required in subsection (1) of this section in addition to the patient's address and telephone number, the condition of the patient, the type of medical assistance administered before reaching the hospital, total trip miles, and the name of the attendant and driver. All records are kept electronically. Patient can receive a copy through the medical records department with the hospital.
- (3) *Daily report log.* All multiple patient records are kept electronically.
- (4) *Daily vehicle checklist and inspection report.* The daily vehicle checklist and inspection report shall list the contents and a de-

scription of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

(Ord. of 7-6-82, § 11.1)

**Editor's note**—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

#### **Sec. 10-101. Rates and charges.**

(a) Each franchisee shall submit a schedule of rates to the county for approval, and shall not charge more nor less than the approved rates without specific approval by the county.

(b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect rates with the family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) On nonemergency calls, or calls where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.

(Ord. of 7-6-82, §§ 12.1—12.3)